

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Northern District of New York

UNITED STATES OF AMERICA)

v.)

MICLESCU, Gabriela)

Case No. 8:18-MJ-502-DJS)

Defendant)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.
On or about the date(s) of August 29, 2018, in the county of Franklin and Clinton in the Northern District of
New York the defendant violated:

Code Section

8 U.S.C. § 1325(a)(2)

Offense Description

Eluding examination or inspection by immigration officers.

This criminal complaint is based on these facts:

☒ Continued on the attached sheet.

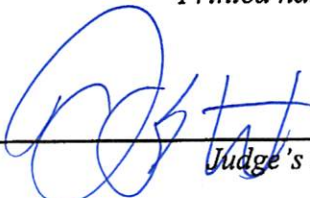
 Complainant's signature

Trevor Kinblom, Border Patrol Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: September 4, 2018

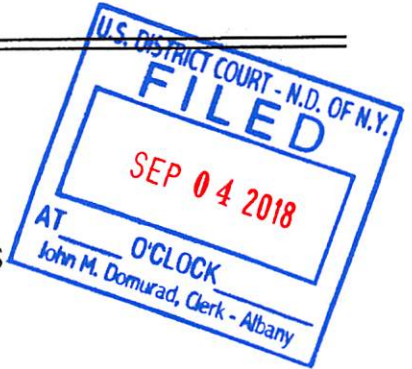

 Judge's signature

City and State: Albany, New York

Hon. Daniel J. Stewart, U.S. Magistrate Judge

Printed name and title

Attested to by the Applicant in accordance with the requirements
of Rule 4.1 of the Federal Rules of Criminal Procedure.





United States of America v. MICLESCU, Gabriela

Burke Border Patrol Agent Estrella followed a suspicious black Honda Accord from the town of Chateaugay, NY the morning of August 29, 2018, to a Sunoco gas station located at 599 State Route 3 in Plattsburgh, NY. Agent Estrella followed the vehicle, a black Honda Accord, bearing Rhode Island WN 103 license plate, for over an hour and noticed that it did not stop to let off or pick up any passengers while he was observing it. Agent Estrella observed that there were multiple silhouettes visible through the car window and that there were at least two heads in the back seat and at least two heads in the front seat. Chateaugay, NY is immediately south of the international border.

BPA McElvene arrived at the gas station at approximately, 6:20 a.m. with NYS Trooper Lyons for backup. The black Honda Accord bearing Rhode Island license plate WN 103 was parked by the gas pumps. BPA McElvene made contact with a subject that was standing next to a picnic table at the Sunoco station. BPA McElvene asked him if the black Honda Accord was his, he replied yes.

Four illegal aliens from Romania and one from Ireland were detained at the scene.

BPA McElvene began to run record checks on the passengers of the vehicle through KAD 640, one of the subjects was identified as MICLESCU, Gabriela. It was determined that MICLESCU is a citizen of Romania. She was also in possession of a Canadian Refugee document that showed her entry date into Canada was July 11, 2018.

At the Champlain Border Patrol Station, all subjects' fingerprints and biographic information was entered into Homeland Security Databases. Record checks confirmed that all five passengers, MICLESCU being one, were present in the United States illegally and did not have any visa or permission to be present in the United States legally.

Homeland Security Databases confirmed that MICLESCU is a citizen of Romania, and she has never applied for any visa or permission to enter the United States.

Citizens of Romania are required to apply for a visa if they seek to enter the United States. Romanian citizens who are issued a visa by the United States government are required to present the visa and the person's passport to an official at a Port of Entry as he or she seeks admission into the United States. MICLESCU does not possess a valid visa and records show that she has not applied for one. If MICLESCU had presented herself to a Port of Entry and asked permission to enter the United States, she would have been denied admission as she does not possess a valid United States visa.